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Malaysia:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[1]

Stressing the need for undertaking urgent measures to implement the goals and targets set in all the major United Nations conferences and summits and their review processes, which are paramount in the process of the realization of the right to development,

Taking note of the outcome of the Fourth Ministerial Conference of the World Trade Organization, held at Doha from 9 to 14 November 2001,[2]

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

* On behalf of the members of the Non-Aligned Movement.

[1] See resolution 55/2.

[2] See A/C.2/56/7.

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Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of all human rights, and the individual as the central subject and beneficiary of development,

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998, on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming its adoption of the Convention against Corruption[4] on 31 October 2003,

Recalling the high-level plenary meetings of the General Assembly held on 22 September 2003, devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS,[5]

Recalling also the Final Document of the Thirteenth Conference of Heads of State or Government of the Non-Aligned Countries,[6] held in Kuala Lumpur from 20 to 25 February 2003,

Reiterating continued support for the New Partnership for Africa's Development[7] as a development framework for Africa,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the United Nations Millennium Development Goal of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

Expressing regret that the Working Group on the Right to Development, at its fourth session, did not reach a conclusion, in particular on the implementation of the agreed conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur,

1. *Endorses* the agreed conclusions of the third session of the Working Group on the Right to Development,[8] as adopted by the Commission on Human Rights in its resolution 2002/69 of 25 April 2002,[9] which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Regrets* that the fourth session of the Working Group did not reach a conclusion, and encourages it, at its fifth session, to work more effectively in fulfilling its mandate;

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[3] A/CONF.157/24 (Part I), chap. III.

[4] Resolution 58/4, annex.

[5] Resolution S-26/2, annex.

[6] A/57/759-S/2003/332, annex I.

[7] A/57/304, annex.

[8] See E/CN.4/2002/28/Rev.1.

[9] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

3. *Stresses* the importance of the core principles that underpin the purpose of international human rights instruments, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level;

4. *Reaffirms* the commitments to implement the goals and targets set in all the outcomes of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that its realization is critical to achieving the objectives, goals and targets set in those outcome documents;

5. *Reaffirms also* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[5] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

6. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

7. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

8. *Reaffirms also* the need for an international environment that is conducive to the realization of the right to development;

9. *Stresses* the need to strive for the greater acceptance, operationalization and realization of the right to development at the international level, and calls on States to undertake the necessary policy formulation and to institute the measures required for the implementation of the right to development as a fundamental human right;

10. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;

11. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

12. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

13. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

14. *Recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

15. *Recognizes also* the need to address market access for developing countries, including in respect of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

16. *Considers* that a desirable pace of meaningful trade liberalization, in particular in relation to agricultural trade and other areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

17. *Underlines* the fact that the international community is far from meeting the target set in the Millennium Declaration[1] of halving the number of people living in poverty by 2015, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

18. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

19. *Recognizes also* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

20. *Recognizes further* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural,

economic, political and social activities of the community and the promotion of the right to development;

21. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

22. *Stresses also* that further measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

23. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for good corporate governance;

24. *Emphasizes* the urgent need for taking concrete measures, including the repatriation of illegally acquired assets and funds to the countries of origin, to fight against all forms of corruption at the national and international levels, and stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention against Corruption[4] as soon as possible;

25. *Looks forward* to the consideration by the Commission on Human Rights at its sixty-first session of the concept document to be prepared by the Subcommission on the Promotion and Protection of Human Rights establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, as well as issues that any such instrument might address, and the determination by the Commission of the feasibility of those options;

26. *Emphasizes* the need to further strengthen the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and better servicing of and support for the Working Group on the Right to Development;

27. *Requests* the Secretary-General to ensure that the Office of the High Commissioner effectively assists in implementing the recommendations contained in the agreed conclusions of the third session of the Working Group on the Right to Development, including in particular ensuring the meaningful participation and contribution of all relevant United Nations agencies, funds, programmes and specialized agencies, as well as international organizations, in the next session of the Working Group;

28. *Stresses* the need for mainstreaming the right to development in the operational programmes and objectives of the United Nations agencies, funds, programmes and specialized agencies and in the policies and objectives of the international financial and multilateral trading systems;

29. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies,

funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

30. *Also requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.